

September 8, 2020

VIA ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Ari Teman (S1 19 Cr. 696 (PAE))
Consent Motion for a 60-day Adjournment of Sentencing Hearing

Dear Judge Engelmayer:

We are writing on behalf of our client, Ari Teman (“Teman”), whose sentencing is currently scheduled for September 28, 2020. Due to the ongoing COVID-19 pandemic, this Court has previously adjourned Teman’s sentencing. We write to request another adjournment of the sentencing date for approximately sixty (60) days or longer.¹ The Government does not object to this motion.

As it stands, Teman remains under home confinement in Florida. Undersigned counsel are based in Missouri and Florida, respectively.

On June 24, 2020, Governor Cuomo issued Executive Order 205 (“EO-205”), which requires all travelers to New York from states with COVID-19 infection rates above a certain threshold to quarantine for 14 days upon arriving in New York. Specifically, EO-205 requires “[a]ll travelers entering New York from a state with a [COVID-19] positive test rate higher than 10 per 100,000 residents, or higher than a 10% positivity rate, over a seven-day rolling average” to quarantine for 14 days. On July 13, 2020, the New York Department of Health issued an Order requiring all travelers to New York subject to EO-205 to complete a State Traveler Health Form to ensure compliance with EO-205.

Both Florida and Missouri remain on New York’s travel advisory.² Thus, as matters currently stand, Teman and undersigned counsel would be required to travel to New York and quarantine for 14 days before a sentencing hearing in this case. This would place an unnecessary

¹ The current date also happens to fall on Yom Kippur, a significant Jewish holiday observed by Teman and others who may support him at the sentencing hearing.

² See <https://www.governor.ny.gov/news/governor-cuomo-announces-two-states-added-travel-advisory-requiring-14-day-quarantines> (last accessed September 8, 2020).

burden on undersigned counsel,³ Teman,⁴ and any attendees from the 33 states for which these restrictions currently apply.

Furthermore, while it is certainly not guaranteed, an effective vaccine against COVID-19 may emerge in the coming months as scientific development in this regard is progressing at an unprecedented rate. As it stands, 9 vaccines are in Phase 3 efficacy trials and 3 vaccines have been approved for early or limited use.⁵ The emergence of an effective vaccine would obviously alleviate the concerns addressed in this motion.

The parties have already submitted their respective sentencing submissions and, therefore, seek no relief in this motion other than to adjourn the in-person sentencing hearing due to the ongoing COVID-19 pandemic.

Assistant United States Attorney Kedar Bhatia indicated that the Government does not object to this request.

Thank you in advance for the Court's consideration.

Respectfully submitted,

Margulis Gelfand, LLC

/s/ Justin K. Gelfand

JUSTIN K. GELFAND
8000 Maryland Ave., Ste. 420
St. Louis, MO 63105
Telephone: 314.390.0234
Facsimile: 314.485.2264
justin@margulisgelfand.com
Counsel for Defendant

GRANTED. Sentencing is adjourned to December 1, 2020 at 10:30 a.m. The Clerk of Court is requested to terminate the motion at Dkt. No. 151.

9/10/2020

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Cc: AUSA Kedar Bhatia
Joseph A. DiRuzzo

³ On a related note, undersigned counsel (Gelfand) has a child with a congenital heart defect. As such, undersigned counsel and his family have taken all necessary precautions during the COVID-19 pandemic consistent with medical advice. Undersigned counsel would prefer not to have to take risks inherent in air travel and staying in a hotel in New York to the extent possible.

⁴ Teman also has underlying medical conditions for which COVID-19 causes great concern. These medical conditions are set out in greater detail in the sentencing submission provided to this Court. (See Doc. 145).

⁵ See <https://www.nytimes.com/interactive/2020/science/coronavirus-vaccine-tracker.html> (last accessed September 8, 2020).